THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 13954 of 2006

Dated: 20-09-2006

Between:

Mohd. Abdul Sami

..... PETITIONER

AND

The Passport Officer,
The Regional Pass Port Office,
Secunderabad.

.....RESPONDENT

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 13954 of 2006

O R D E R:

This writ petition is filed seeking a declaration that the action of the respondent-Regional Passport Officer in not correcting name and date of birth of the petitioner in his passport bearing No.E 0108056 is arbitrary and illegal.

It is stated that petitioner was issued passport bearing No. E 0108056, on 01-11-2001, in which the name and date of birth of the petitioner were not correctly mentioned. It is stated that the said mistakes crept in since the application for the passport was made through an agent. Having noticed the error in the passport, the petitioner approached the respondent and made an application dated 02-01-2006 requesting to correct the name and date of birth in the passport as per the secondary school certificate issued by the Board of Secondary Education, Andhra Pradesh. As required by the respondent, the petitioner surrendered his original passport and also paid a sum of Rs.1,000/- on 17-01-2006. Pursuant thereto, the respondent by letter, dated 21-04-2006, informed the petitioner that he is required to furnish a decree from the Civil Court for correction of the name and date of birth in his passport. Aggrieved by the same, this writ petition is filed with the above prayer.

I have heard the learned counsel for the petitioner and perused the material on record.

In spite of service of notice, which was delivered on the respondent on 14-07-2006, respondent did not choose to appear.

It is to be noted that the Government of India, Ministry of External Affairs, issued circular dated 18-04-2001, which reads as under:

> (a) Where an applicant is seeking rectification/Correction of a mistake in the entry of date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, after the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
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> (b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.
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> (c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth."

Having considered the above circular, this Court in **Ali Imran v. Regional Passport Officer, Secunderabad** [1] held that as per the circular dated 18-04-2001, it is permissible to accept the applications for rectification/correction of the entries in the passport.

The learned counsel for the petitioner submits that the correction of name and date of birth of the petitioner in the passport was only a technical correction, and therefore, it falls under clause (a) of the circular. In support of his submission the learned counsel relied upon the decision in **Asra Begum v. Regional Passport Officer, Secunderabad** [2].

Having regard to the facts and circumstances of the case and following the decision of this Court in **Ali Imran's case** (1 supra), the writ petition is disposed of with a direction to the respondent to consider the application of the petitioner dated 17-01-2006 in accordance with the circular dated 18-04-2001 and pass appropriate

orders in accordance with law and communicate the same to the petitioner within a period of four weeks from the date of receipt of this order.

The writ petition is accordingly, disposed of. No costs.

G. ROHINI, J

Dated: 20-09-2006
KLP

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[1] 2003(3) ALD 625;

[2] 2004(6) ALD 360.